

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE: MARCH 9, 2007**

**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: AGENDA ITEM #7 – REQUEST FOR EXTENSION OF SUBMISSION  
DEADLINE FOR REQUIRED DEPOSITS RELATED TO LAFCO 3075 –  
INCORPORATION OF THE CITY OF BLOOMINGTON, ET SEQ.**

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## **RECOMMENDATION:**

Deny request for extension of time for submission of filing fees, deposits and materials related to LAFCO 3075 – Incorporation of the City of Bloomington et seq.

## **BACKGROUND:**

On or before February 28, 2007, the Bloomington Incorporation Commission (BIC) was required by the Commission to submit: the filing fees for processing of the Bloomington Incorporation (\$8,200); the deposits for preparing/processing of the incorporation application (\$101,790), which includes the Comprehensive Fiscal Analysis, environmental analysis, etc.; and the application forms and materials. On February 28<sup>th</sup>, BIC submitted a check in the amount of \$30,000, the City Incorporation Supplement Form and a request for extension of the filing deadline for 90 days.

On March 2, 2007, staff notified BIC that the one-year filing period for the incorporation had past without submission of the materials and revenues required. Staff also notified BIC that its request for extension of the filing deadline would be placed on the March 21<sup>st</sup> agenda for Commission consideration (copy included as Attachment #1).

In evaluating this request for deadline extension, staff has provided the Commission with the following materials:

- A copy of the minutes of the November 15, 2006 hearing related to the discussion of deferring the City of Fontana islands to allow for completion of the one-year filing period for the incorporation proposal

(Attachment #2). It is stated in this discussion that “money is no object” in referring to the payment of the necessary filing fees and deposits.

- A copy of the November 9, 2006 staff report related to LAFCO 3048A which reiterated the submission requirements for the proposal (fees, deposits and materials) and the due date of February 28, 2007. (Attachment #3)

Staff's recommendation is that the Commission denies the request for extension of the submission deadline. In our view, BIC and the community of Bloomington have had more than one year to solicit the revenues needed for processing of this application; BIC has indicated on several occasions that providing payment of the fees and deposits was not a problem; and BIC has indicated that the materials were readily available. However, as of the final date for submission, that was not the case.

However, the submission deadline was a policy declaration of the Commission and can be changed if it so chooses. If it is determined that an extension is to be granted, staff would request that it be clearly indicated that this is the final date for submission of the fees, deposits and materials for the processing of LAFCO 3075.

KRM

Attachments:

1. -- March 2, 2007 Letter to Chief Petitioners Regarding the Notice of Failure to Comply with Submission Requirements for LAFCO 3075
2. -- [November 15, 2006 Minutes Related to Discussion of Filing Requirements for LAFCO 3075](#)
3. -- [November 9, 2006 Staff Report Related to LAFCO 3048A](#)